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Proposed Counsel for Chapter 7 Trustee
Kyle Everett

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

BENJA INCORPORATED

Debtor.

Case No. 20-30819 DM

Chapter 7

**DECLARATION OF STEPHEN D.
FINESTONE IN SUPPORT OF
APPLICATION TO EMPLOY
COUNSEL FOR CHAPTER 7
TRUSTEE (FINESTONE HAYES
LLP)**

I, Stephen D. Finestone, declare as follows:

1. I am an attorney admitted to practice law in the State of California and this Court.

2. I am a partner in the firm of Finestone Hayes LLP (the "Firm"). The Firm is proposed general bankruptcy counsel for the Chapter 7 Trustee, Kyle Everett (the "Trustee").

3. The Firm is experienced in the areas of insolvency, business reorganization, and debtor/creditor matters, having represented Chapter 7 and Chapter 11 trustees, Chapter 11 debtors, and creditors in numerous cases before this Court and other Bankruptcy Courts, and also having represented bankruptcy trustees in numerous matters.

4. Subject to further order of this Court, and without being exhaustive, the Firm proposes to render the following types of legal services to the Trustee:

- a) To advise and represent the Trustee as to all matters and proceedings within this Chapter 7 case, other than those particular areas that may be assigned to special counsel;
- b) To assist, advise and represent the Trustee with respect to his duties under Bankruptcy Code Section 704(a);
- c) To assist, advise and represent the Trustee regarding any lawsuits or claims that are being prosecuted by or against the Debtor;
- d) To assist and advise the Trustee in the investigation and disposition, if appropriate, of assets of the estate;
- e) To assist and advise the Trustee regarding the investigation and prosecution of potential avoidable transfers; and,
- f) To assist, advise and represent the Trustee in dealing with the creditors and other constituencies and analyzing the claims in this case.

5. Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules, the Guidelines for Compensation and this Court's rules, the Trustee proposes to pay the Firm its customary hourly rates in effect from time to time and to reimburse the Firm for its expenses according to its customary reimbursement policies. The Firm's current hourly rate for partners is \$560 and the hourly rates for associates and contract attorneys range from \$375-475. The rates are subject to increases on an annual basis

6. Having reviewed the list of creditors and interested parties in the bankruptcy case, to the best of my knowledge the Firm has no connection with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the Office of the United States Trustee. The Firm does not presently represent any interest adverse to the Applicant or to the estate in regard to matters with which it is to be employed. The Firm is disinterested.

7. The Firm has not shared or agreed to share compensation with any entity except among its attorneys. The Firm will comply with Bankruptcy Code Section 327 with respect to

1 its work on behalf of the Trustee and any compensation related thereto.

2 8. This declaration has been served on the Office of the United States Trustee via
3 CM/ECF. No hearing is required unless requested by the United States Trustee, a party in
4 interest or the Court.

5 9. The Firm seeks approval of this Application retroactive to the conversion date of
6 January 29, 2021.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this
8 1st day of September 2022 in San Francisco, California.

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11 /s/ Stephen D. Finestone
12 Stephen D. Finestone
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1 I am over the age of 18 and not a party to this action. My business address is 456
2 Montgomery Street, Floor 20, San Francisco, California 94104. I caused a true and correct copy
3 of the following documents:

- 4 **1. APPLICATION TO EMPLOY COUNSEL FOR CHAPTER 7 TRUSTEE**
(FINESTONE HAYES LLP); and
- 5 **2. DECLARATION OF STEPHEN D. FINESTONE IN SUPPORT OF**
APPLICATION TO EMPLOY COUNSEL FOR CHAPTER 7 TRUSTEE
6 **(FINESTONE HAYES LLP)**

7 to be served in the manner stated below.

8 **SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

9 Pursuant to controlling General Orders and Local Bankruptcy Rules, the forgoing documents
10 will be served by the court via NEF and link to the document. On September 1, 2022, I checked
11 the CM/ECF docket for this action and determined that the following persons are on the
Electronic Mail Notice List to receive NEF transmission at the email addresses stated below.

12 Jared Day
13 jared.a.day@usdoj.gov

14 Office of the U.S. Trustee / SF
15 USTPRegion17.SF.ECF@usdoj.gov

16 Paul Manasian
17 manasian@mrlawssf.com

18 Tanya Benham
19 tbehnam@polsinelli.com

20 Kathy Quon Bryant
21 kquonbryant@mlg-pc.com

22 Carol Chow
23 carol.chow@ffslaw.com

24 Merle Meyers
25 mmeyers@mlg-pc.com

26 Randy Michelson
27 randy.michelson@michelsonlawgroup.com

28 Sophia Ashley Perna-Plank
spernaplank@jaspanllp.com

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on September 1, 2022, in San Francisco, California.

3 /s/ Stephen D. Finestone
4 Stephen D. Finestone
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